

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARGARET M. BOYCE

CIVIL ACTION

v.

HONORABLE PAMELA P. DEMBE,
et al.

NO. 00-CV-6572

MEMORANDUM AND ORDER

McLaughlin, J.

October 30, 2001

The plaintiff in this case, Margaret M. Boyce, is an attorney who has brought suit pursuant to 42 U.S.C. § 1983 against (1) the Honorable Pamela P. Dembe, who held the plaintiff in contempt of court, (2) three Superior Court judges, who affirmed Judge Dembe's holding and fined the plaintiff \$39,500, (3) the Honorable John W. Herron, who ordered that the fine be paid out of funds owed to the plaintiff which were being held in escrow by the court, and (4) the Prothonotary of Philadelphia, who executed Judge Herron's order. The plaintiff alleges both that the defendants deprived her of rights guaranteed to her by the Fifth, Sixth, and Fourteenth Amendments, and that the procedural protections provided to contemnors in general in

Pennsylvania are constitutionally inadequate.

The defendants have moved to dismiss the complaint, arguing, among other things, that the plaintiff's claims are barred by the Rooker-Feldman doctrine, and that she does not have standing to bring them. The Court will grant the motion to dismiss. The plaintiff's specific challenges to the defendant judges' actions in her case are barred by Rooker-Feldman. Certain of her generalized challenges to contempt proceedings in Pennsylvania are not barred, but she lacks standing to pursue the forward-looking declaratory and injunctive relief she seeks, because she was held in contempt and fined in the past, and there is no significant threat that she will be held in contempt in the future. Finally, the defendant Prothonotary is immune from suit under Section 1983 for obeying a court order.

I. The Complaint

The facts of this case, in the light most favorable to the plaintiff, are as follows.¹ Ms. Boyce represented the plaintiffs in a tort action pending in the Philadelphia Court of Common

¹ In analyzing a motion to dismiss for lack of subject-matter jurisdiction under Fed. R. Civ. P. 12(b)(1), the court must "treat the allegations of the complaint as true and afford the plaintiff the favorable inferences to be drawn from the complaint." NE Hub Partners, L.P. v. CNG Transmission Corp., 239 F.3d 333, 341 (3d Cir. 2001) (citations omitted).

Pleas. After she recommended that her clients accept an offer of settlement, they fired her and hired Attorney Edward Chacker to represent them. See Compl. at ¶ 17. Mr. Chacker entered his appearance in April of 1995. See Super. Ct. Op. at 1. After the plaintiff refused to turn over the file in the case, on the grounds that she had a lien on it, Mr. Chacker sought a court order. See Compl. at ¶ 18.

A hearing was held on August 4, 1995 before the Honorable Russell M. Nigro, who was then a Court of Common Pleas Judge and is now a Justice of the Pennsylvania Supreme Court. See Super. Ct. Op. at 1; Compl. at ¶ 19. The plaintiff sought Justice Nigro's recusal, arguing that he had a conflict of interest because Mr. Chacker had made a \$1,000 donation to his campaign for the Supreme Court. See Super. Ct. Op. at 1-2; Compl. at ¶ 19. Justice Nigro denied the plaintiff's request for recusal and ordered the plaintiff to copy the file for Mr. Chacker by August 7, 1995 or pay a \$1,000 fine.² See Super. Ct. Op. at 2; Compl. at ¶ 19.

When the plaintiff failed to turn over copies of the file, Mr. Chacker filed a contempt petition, which was assigned to the

² The plaintiff appealed Justice Nigro's decision to the Pennsylvania Superior Court which quashed the appeal as interlocutory.

Honorable Pamela P. Dembe. See Compl. at ¶ 21. On March 25, 1997, Judge Dembe declined to hold the plaintiff in contempt, but did order her to release her file to Mr. Chacker.³ See Super. Ct. Op. at 2; Compl. at ¶ 21. In July of 1997, the plaintiff turned over a copy of the file.

Mr. Chacker then filed a second contempt petition in which he alleged that the plaintiff failed to turn over the complete file. See Compl. at ¶ 26. At a hearing on the petition on September 24, 1997, Judge Dembe held the plaintiff in contempt of court and levied a fine against her. See id. at ¶ 28. The plaintiff alleges that she "was deprived of an opportunity to present evidence or object to the September 24, 1997 proceedings. However, she presented sworn Affidavits from office personnel swearing that plaintiff's entire file had been copied and delivered to Chacker's messengers." Id. at ¶ 29.

The plaintiff appealed Judge Dembe's ruling to the Superior Court, which affirmed the finding of contempt and upheld a fine of \$39,500, plus attorney fees.⁴ See id. at ¶ 30. The plaintiff

³ The plaintiff also appealed this order, and she alleges that this appeal too was quashed as interlocutory. The Superior Court's Opinion states that it was dismissed with prejudice for failure to file a brief.

⁴ In her order of September 24, 1997, Judge Dembe fined the plaintiff over a million dollars. See Compl. at ¶ 28. The Complaint does not address the discrepancy, but the Superior
(continued...)

sought reargument before the full Superior Court, which was denied, and the Pennsylvania Supreme Court denied allocatur. See id. at ¶ 31.

On June 5, 2000, the plaintiff filed a petition requesting that Judge Dembe vacate her finding of contempt. See id. at ¶ 33. A hearing was scheduled which was subsequently cancelled. Judge Dembe denied the plaintiff's motion for reconsideration. ~~See id.~~ at ¶ 34.

In the meantime, the underlying tort action had ended in settlement, but Attorney Chacker refused to pay the plaintiff her share of the attorney's fees and costs. See id. at ¶¶ 30, 35. The plaintiff brought suit against her former clients, seeking payment of her fees and costs. The case settled with the plaintiff agreeing to accept \$65,000, plus costs. See id. at ¶ 35.

The portion of the judgment in the underlying tort action which represented attorney's fees and costs was being held in escrow by the Prothonotary of Philadelphia. When the plaintiff's attorney sought the release of her fees, the Honorable John W. Herron ordered that the Prothonotary retain \$39,500 to pay the

*(...continued)
Court's Opinion explains that there was confusion over whether the original fine of \$1,000, ordered by Justice Nigro, was a flat fine or was per day. See Super. Ct. Op. at 9-11.

fine ordered by the Superior Court. See id. at ¶ 36. The Prothonotary obeyed Judge Herron's order. The plaintiff's attorney requested a hearing on Judge Herron's decision but the request was denied. See id. at ¶ 37.

The plaintiff then brought this suit in federal court. She challenges the following: (1) Judge Dembe's decision to hold her in contempt; (2) the Superior Court's decision upholding Judge Dembe's decision; (3) Judge Dembe's denial of her request for reconsideration; (4) Judge Herron's order regarding release of the money; and (5) the Prothonotary's decision to obey Judge Herron's order. In addition, the plaintiff challenges the procedures or lack of procedures governing contempt proceedings in Pennsylvania, arguing that they deny contemnors their rights to due process and equal protection, as well as their rights under the Sixth Amendment.

II. Analysis

The Rooker-Feldman doctrine takes its name from two Supreme Court decisions: Rooker v. Fidelity Trust, 263 U.S. 413 (1923) and D.C. Ct. App. v. Feldman, 460 U.S. 462 (1983). The doctrine is based on the statutory provision which gives the Supreme Court jurisdiction to review the decisions of the states' highest courts. See 28 U.S.C. § 1257 (2001). Section 1257 has been

interpreted to mean that only the Supreme Court can review state court judgments. See Rooker, 263 **U.S.** at 416. The federal district courts do not have jurisdiction over appeals from the decisions of state courts, or over claims which are in essence appeals, because they are "inextricably intertwined" with a state court's judgment. Feldman, 460 **U.S.** at 483 n.16. District courts do have jurisdiction over general challenges to rules, or, as in this case, policies or procedures, as long as the general challenge is not inextricably intertwined with a state court's judgment in a particular case. See id. at 486.

A second doctrine which is implicated in this case is that of judicial immunity, because five of the six defendants are judges.⁵ Judges are immune from suit under Section 1983 for monetary damages, as well as attorney's fees and costs. See 42 U.S.C. § 1988(b) (2001); Gallas v. Sup. Ct. of Pa., 211 F.3d 760, 768 (2000). Injunctive relief is also unavailable against judges, "unless a declaratory decree was violated or declaratory relief was unavailable." 42 U.S.C. § 1983 (2001). Some of the plaintiff's claims against the defendant judges are likely barred by judicial immunity; I will not decide the question, because of

⁵ In addition, prothonotaries are considered "quasijudicial" officers, and are entitled to much the same protection as are judges. Lockhart v. Hoenstine, 411 F.2d 455, 460 (1969).

my conclusion that I lack subject-matter jurisdiction over this case.

A Due Process Cause of Action

The plaintiff's first cause of action is for deprivation of her right to due process of law. The plaintiff claims that she was denied due process when Judge Dembe held her in contempt of court for failing to turn over the file, when the Superior Court upheld the contempt finding, and when Judge Dembe refused to reconsider her earlier decision.

In order to address the merits of the plaintiff's claim against Judge Dembe for holding her in contempt, this Court would have to find that the Superior Court was in error when it found that there was "no violation of [plaintiff's] procedural due process rights." Super. Ct. Op at 6. This court does not have appellate jurisdiction over the state courts, though, and federal relief may not be predicated on "'a conviction that the state court was wrong.'" Parkview Ass'n P'ship v. City of Lebanon, 225 F.3d 321, 325 (3d Cir. 2000) (citations omitted).

The plaintiff's claims that she was denied due process by the Superior Court judges, and by Judge Dembe when she denied the plaintiff's motion to reconsider, are likewise barred under the Rooker-Feldman doctrine, because they are inextricably

intertwined with the decisions the judges issued in her case. This is true despite the fact that neither Judge Dembe nor the Superior Court explicitly found that in arriving at their decisions they did not deny the plaintiff due process. The federal court cannot review the actions of a state court in an individual case, even where it is alleged that those actions were unconstitutional.⁶

The Third Circuit has permitted suits to go forward in cases where the state court did not cause the plaintiff's injury. See, e.g., Parkview, 225 F.3d at 327 (injury caused by Zoning Board); Whiteford v. Reed, 155 F.3d 671, 675 (3d Cir. 1998) (injury caused by Board of Medicine); Gulla v. North Strabane Township, 146 F.3d 168, 171 (3d Cir. 1998) (injury caused by Board of Supervisors). In Whiteford v. Reed, for example, the state court had rejected the plaintiff's claim against the Pennsylvania State Board of Medicine on procedural grounds. See Whiteford, 155 F.3d at 674. The federal court could award relief by finding that the plaintiff's rights were violated by the Board, without finding that the state court's judgment was erroneous.

⁶ The Third Circuit has created an exception to this rule, which does not apply here, where the plaintiff in the federal action was not a party to the state court case. See FOCUS v. Allegheny County Court of C.P., 75 F.3d 834, 840-841 (3d Cir. 1996); Valenti v. Mitchell, 962 F.2d 288, 298 (3d Cir. 1992).

In this case, in contrast, the plaintiff alleges that it was Judge Dembe and the Superior Court judges who injured her, by denying her the due process of law to which she was entitled. In order to award relief, this Court would have no choice but to review the courts' judgments, to determine if they were arrived at in accordance with the requirements of due process. Such review is the province of an appellate court, however, and Rooker-Feldman stands for the proposition that a federal district court does not have appellate jurisdiction over a state court.

The Supreme Court in Feldman was aware that its decision would mean that plaintiffs in the position of Ms. Boyce, who declined or were unable to seek review in the United States Supreme Court, would be prevented from obtaining review in any federal court. The Court found that this was "eminently defensible on policy grounds," in part because of the strength of the state interest at stake, in that case, the interest in regulating the state bar. Feldman, 460 U.S. at 483 n.16. There is a similarly strong state interest at stake in this case. The Supreme Court has held that: "Contempt...serves, of course, to vindicate and preserve the private interests of competing litigants...but its purpose is by no means spent upon purely private concerns. It stands in aid of [a state's] judicial system, so that its orders and judgments are not rendered

nugatory." Juidice v. Vail, 430 U.S. 327, 336 n. 12

(1977) (citations omitted). Pennsylvania's strong interest in administering its court system supports this Court's decision to refrain from review of the decisions of Judge Dembe and the Superior Court judges.

The plaintiff also alleges that the procedures provided to contemnors in general in Pennsylvania violate the due process clause. Rooker-Feldman does not prevent the federal courts from hearing general challenges to procedures, as long as they are not inextricably intertwined with a state court's judgment in a particular case. See Feldman, 460 U.S. at 483 n.16, 486. A claim is inextricably intertwined if it can succeed only to the extent that the state court wrongly decided the issues before it. See Parkview, 225 F.3d at 325.

Here, a decision by this Court that the procedures used to hold someone in contempt in Pennsylvania are constitutionally inadequate would require the Court to analyze all contempt cases, including the plaintiff's. A decision invalidating the procedures used to hold someone in contempt would necessitate a finding that the Superior Court was wrong when it held that the plaintiff was not denied due process. However, under Rooker-Feldman, this Court may not grant relief that is predicated on a finding that a state court's decision was wrong, and the

plaintiff's general challenge is therefore barred.

The plaintiff's challenge to the procedures used in hearing appeals of findings of contempt, however, is not barred by Rooker-Feldman, because the Superior Court's Opinion does not address the issue of the constitutionality of its procedures. Thus, this Court could hear a general challenge to those procedures which are applicable to all appeals of contempt cases, without reviewing the Superior Court's affirmance of Judge Dembe's contempt finding. See Centifanti v. Nix, 865 F.2d 1422, 1424 (3d Cir. 1989) (holding that district court could hear general challenge to state's rules for attorney reinstatement as this would not necessitate review of state court's judgment applying those rules and declining to reinstate the plaintiff). To the extent that the plaintiff seeks a declaratory judgment that the appellate procedures are inadequate, or an injunction against their use, however, her claim is barred by her lack of standing to seek such relief.⁷

The same analysis would apply to the plaintiff's general challenge to those procedures which are generally applicable to motions to reconsider in contempt cases. It too is permissible under Rooker-Feldman, but nevertheless barred, due to the

⁷ The standing issue is addressed at length in the context of plaintiff's equal protection cause of action.

plaintiff's lack **of** standing.

B. Equal Protection Cause **of** Action

The plaintiff's second cause of action is for violations of the equal protection clause. To the extent that the plaintiff alleges she was denied equal protection of the laws when Judge Dembe held her in contempt **of** court, or when the defendant Superior Court judges affirmed Judge Dembe's order, or when Judge Dembe refused to reconsider her initial order, the plaintiff's claims are barred by Rooker-Feldman. The same analysis applies to these claims as applies to the plaintiff's claims that she was denied due process by the Superior Court judges, and by Judge Dembe when she decided the motion to reconsider. This Court cannot hear an appeal of a state court decision, even **if** the decision was entered in violation of a party's constitutional rights.

The plaintiff's general challenge to Pennsylvania procedures on equal protection grounds may not be barred by Rooker-Feldman.⁸

⁸ The nature of the plaintiff's equal protection claim is that: "The abbreviated contempt proceeding, which provides no evidentiary hearing or opportunity to be heard, is found to be sufficient for some individuals alleged to be in contempt of court, whereas others **so** accused are entitled to a full five step hearing procedure. However, there is no criteria or standards set forth anywhere in Pennsylvania law or statute to determine
(continued...)"

If this Court were to find that it was a violation of the equal protection clause for different contemptors to be treated differently, it would not necessarily follow from that that there was anything wrong with the way that Judge Dembe or the Superior Court judges treated the plaintiff in this case. The plaintiff's equal protection claim must nevertheless be dismissed, however, because she does not have standing to seek either a declaratory judgment which would invalidate the procedures, or injunctive relief, which would enjoin their use.⁹

There are three requirements which a plaintiff must meet in order to have standing to sue. See Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 103-104 (1998). First, the plaintiff must have suffered a concrete harm that is actual or imminent, as

⁸(...continued)
who is eligible for the protections of the five step procedure and who would **not** be eligible for a full evidentiary hearing. The lack of standards and procedures, as well as the denial of a full hearing is a denial of equal protection guaranteed by the 5th and 14th Amendments." Compl. at ¶ 55.

⁹ All of the plaintiff's challenges to general rules also suffer from an additional problem, namely that she has sued the wrong defendants. See Brandon E. v. Listenbee, 201 F.3d 194, 200 (3d Cir. 2000). Because the judges sued did not promulgate generally-applicable procedures used across Pennsylvania, the plaintiff and the judges have no adverse legal interests. The judges have no stake in upholding the procedures against constitutional challenge; they are analogous to postal carriers who deliver a newspaper containing a libelous message, but would not be held liable if they were sued for libel. See id. at 198-199.

opposed to being conjectural or hypothetical. ~~See id.~~ at 104. Second, there must be a causal connection between the plaintiff's harm and the defendant's conduct. ~~See id.~~ The third requirement is redressability - the relief requested must be likely to redress the harm suffered by the plaintiff. See id.

Here, the plaintiff has suffered concrete harm; she was held in contempt of court and fined \$39,500. The required causal connection is also present, because Judge Dembe found her in contempt, and the Superior Court judges upheld Judge Dembe's finding and set the fine. What the plaintiff fails to establish is redressability. Her injury would not be redressed - she would not get her money back - if this Court issued declaratory or injunctive relief directed towards the application of the challenged procedures in the future.

In order to establish redressability, the plaintiff would need to allege an ongoing harm, or the real and immediate threat of future harm. See City of Los Angeles V. Lyons, 461 U.S. 95, 111 (1983). In a case in which the plaintiffs sued pursuant to Section 1983 to invalidate statutory provisions authorizing contempt proceedings, the Supreme Court held that the plaintiff contemnors lacked standing "once the period of incarceration is served or the fine paid," because at that point "the effect of the orders imposing a fine or commitment has expended itself,"

Juidice, 430 U.S. at 332. The Juidice Court held that the plaintiff contemnors would have standing if they alleged that they were threatened with further or repeated proceedings. See id. at 333.

The complaint in this case does not allege that the plaintiff is threatened with further or repeated proceedings. In her opposition to the motion to dismiss, the plaintiff states that she is 'an attorney, active in civil rights...who represents litigants in State Courts," and that she "could again be found in criminal contempt." Plaintiff's Opp. at 17. These allegations do not amount to an imminent threat of harm. In particular, the plaintiff does not allege that she is going to repeat the behavior that led to her being held in contempt, and courts "generally have been unwilling to assume that the party seeking relief will repeat the type of misconduct that would once again place him or her at risk of [] injury." Honig v. Doe, 484 U.S. 305, 320 (1988).

In her opposition to the defendant's motion to dismiss, the plaintiff argues that she has standing because she "wants her property and reputation returned as well as to obtain a hearing on the criminal conviction." Plaintiff's Opp. at 23. However, in order to award relief that would remedy these injuries, this Court would need to reverse the state court judgments which

caused them, which it is barred from doing by the Rooker-Feldman doctrine. The Court is also barred from awarding forward-looking declaratory and injunctive relief, because such relief would not redress the plaintiff's injuries, which all occurred in the past.

In the alternative, the plaintiff argues that an exception to the rules of standing applies, because the injury she suffered is capable of repetition, yet likely to evade review. However, injuries like those that the plaintiff suffered as a result of state contempt proceedings are subject to review by the Superior Court, the Pennsylvania Supreme Court, and the United States Supreme Court. In addition, the capable of repetition, yet likely to evade review doctrine would only be applicable if it were reasonably likely that the plaintiff would be held in contempt again. See Abdul-Akbar v. Watson, 4 F.3d 195, 206 (3d Cir, 1993).

C. Other Claims

The plaintiff's third cause of action is for denial of property rights without due process and equal protection. The Court understands this claim to be directed at Judge Herron, who ordered that the fine levied by the Superior Court be paid out of money owed to the plaintiff that the court was holding in escrow, and the Prothonotary of Philadelphia, who obeyed Judge Herron's

order.¹⁰ The plaintiff argues that the fact that Pennsylvania has no procedure for courts to follow when collecting court-ordered fines or seizing property violates due process and equal protection. The constitutional violations are exacerbated by the fact that the court is not neutral, because it stands to benefit from the fine money it collects.

The plaintiff seeks an injunction preventing Judge Herron from keeping plaintiff's money or 'any others similarly held in contempt and fined without a hearing and opportunity to be heard.'" Compl. at 17. She also asks that Judge Herron be enjoined from imposing fines in the future without holding a hearing. Finally, the plaintiff's general request for both backward- and forward-looking declaratory judgments would apply to Judge Herron.

In order to issue the first injunction, this Court would have to look to the process which the plaintiff and "anybody else" was granted and evaluate whether it was adequate. This is barred by the Rooker-Feldman doctrine, because it would constitute appellate review of a state court judgment. The plaintiff lacks standing to seek the second injunction, because

¹⁰ It would not change the analysis if all of the claims were directed at all of the defendants; it would only change the way that this Opinion is organized.

her injury occurred in the past and it is not likely to occur again. Finally, the plaintiff's request for declaratory relief is barred. She is prevented from seeking a backward-looking declaratory judgment by the Rooker-Feldman doctrine, and she cannot seek one that is forward-looking because she lacks standing.

In reaching the above conclusion, the Court has determined that Judge Herron's actions were adjudicative, as opposed to ministerial." The Rooker-Feldman doctrine does not apply where a judge's actions are ministerial, that is, where they are "\performedby virtue of the judicial power, such as the appointment of the clerk or bailiff or the specification of the requirements of eligibility or the course of study for admission to the bar, rather than a judicial proceeding.'" Feldman, 460 U.S. at 477-478 (citation omitted).

An adjudication, on the other hand, involves 'the application of existing law to particular facts." Valenti, 962 F.2d at 297. Factors weighing in favor of **a** finding of adjudication include (1) whether the court considered legal

¹¹ Judge Herron's actions are described in the complaint as follows: "When plaintiff's attorney...attempted to have the monies released from the Philadelphia Prothonotary's office...defendant Herron directed an order to the defendant Prothonotary that **\$39,500** be removed from Boyce's attorney's fees to pay the Court fine." Compl. at ¶ 36.

issues and reached a decision about what the law is, and (2) whether the court was presented with a claim of right as opposed to acting on its own initiative. See Guarino v. Larsen, 11 F.3d 1151, 1158-1159 (3d Cir. 1993).

The fact that the plaintiff is seeking an injunction which would require Judge Herron to hold a hearing before issuing any more orders collecting fines weighs against a finding that the Judge's actions were ministerial. A judge acting in his or her ministerial capacity - a judge ordering office supplies, for example, or hiring a law clerk - would have no reason or authority to hold a hearing.

The plaintiff attached as exhibits to her opposition the Stipulation of Settlement which was presented to Judge Herron for signature, the order that the Judge issued in response, and a letter that Judge Herron wrote to the plaintiff in response to her attorney's request for a hearing. These documents reveal that Judge Herron was presented with a claim of right and that he determined what the law was and applied it.

The Judge was presented with a Stipulation for his approval, and he applied the law as determined by the Superior Court, that is, that the plaintiff owed a fine. In his letter in response to the plaintiff's request for a hearing, the Judge wrote that he was denying her request for reasons of *res judicata* and that the

order **of** the Superior Court imposing the fine was not reviewable by him. A judge acting in his or her ministerial capacity would not be bound by *res judicata* or any other legal doctrine. For these reasons, the Court finds that Judge Herron's actions were adjudicative and not ministerial, and that Rooker-Feldman therefore applied.

The plaintiff has also sued the Prothonotary of Philadelphia. She seeks to enjoin him from attaching money without "the usual seizure and attachment steps." Compl. at 17. The plaintiff lacks standing to seek such injunctive relief for the reasons given above. To the extent that the plaintiff also seeks a declaratory judgment that what the Prothonotary did was wrong, this claim is barred as well, because Prothonotaries are immune from suit for obeying court orders. See Lockhart, 411 F.2d at 460; see also Wolfe v. City of Pittsburgh, 140 F.3d 236, 240 (3d Cir. 1998) (holding that city officials could not be held liable under Section 1983 for obeying a court order).

The plaintiff's fourth cause of action is for deprivation of her liberty interest in her good name, as well as the liberty interests of contemnors across Pennsylvania, without due process or equal protection. The analysis here is the same as for the **plaintiff's** first and second causes of action, which **allege** violations of the due process and equal protection clauses. This

claim is likewise dismissed.

The plaintiff's fifth cause of action is for deprivation of her rights under the Sixth Amendment, as well as the rights of all contemnors. The same analysis that applies to the plaintiff's equal protection claim applies here, and this claim too is **dismissed**.

An appropriate order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARGARET M. BOYCE : CIVIL ACTION

V. :

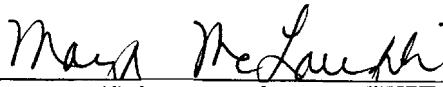
HONORABLE PAMELA P. DEMBE,
et al.

NO.00-CV-6572

ORDER

AND NOW, this 30th day of October, upon consideration of the Defendants' Motion to Dismiss (Docket #4) and all responses and replies thereto, it is hereby ORDERED and DECREED that the defendant's motion is GRANTED for the reasons stated in a memorandum of today's date.

BY THE COURT:



Mary A. McLaughlin, J.